

discloses a list of acid salt counterions starting at column 3, line 8. Specific salts of specific compounds are not disclosed in this section. The claims and disclosure feature an aqueous inclusion complex containing the benzothiophene *per se* or a salt thereof. Bryant thus appears to be neutral as to whether his inclusion complexes are made with his compound of formula (I) or with a salt thereof, and therefore contains no particular teaching that a salt should be used, as opposed to the (impliedly neutral) compound. Indeed, the only specific salt Bryant actually discloses is the hydrochloride salt of a particular benzothiophene known as raloxifene (column 3, lines 58-62; Example 1; the claims). Further, Bryant (1) never suggests that any particular salt of a compound of formula (I) is any more soluble in cyclodextrin than any other salt made with any other counterion also disclosed therein, (2) never touches on how such a salt would be located, and (3) never even remotely suggests the possibility or feasibility of doing so. Bryant neither discloses, suggests, nor motivates anything relating to Applicant's method, and without such suggestion or motivation it is simply not possible for Bryant to render compositions comprising such salts and cyclodextrins obvious. Accordingly, it is respectfully requested that the rejection of claims 4-6 and 10-15 be withdrawn.

Claims 7-9 stand rejected under 35 USC 103(a) over Szejtli et al. The rejection is respectfully traversed on the same basis as above, and Applicant's comments are incorporated by reference in this regard. That is, not only does Szejtli not disclose a salt/cyclodextrin composition located by Applicant's method as required by each of the rejected claims, Szejtli never even remotely suggests how to do so, and accordingly cannot render Applicant's compositions obvious. Szejtli is actually even

more remote from Applicant's invention than Bryant because Szejtli teaches against the use of salts, as explained below.

Szejtli discloses inclusion complexes of a single compound, indomethacin. In this regard, the following is stated at column 2, lines 26-33:

[c]onsequently it was not the preparation of an Indomethacin-cyclodextrin complex that was disclosed in the above-mentioned article, but rather a physical mixture of the ammonium salt of Indomethacin and cyclodextrin as the product. According to our observations salts of Indomethacin cannot be incorporated in a cyclodextrin inclusion complex, the salts prove to be too ionic, i.e. hydrophilic.

Thus, although Szejtli does disclose a physical mixture of Indomethacin and cyclodextrin, Szejtli does not disclose any salt located by Applicant's method. In fact, as the above quotation demonstrates, Szejtli teaches away from salts of Indomethacin, the compound in which he is interested, by noting that in his observations "...salts of Indomethacin cannot be incorporated in a cyclodextrin inclusion complex". One of ordinary skill in the art interested in a composition of matter comprising a cyclodextrin and a salt, as Applicant's composition claims require, would thus undoubtedly dismiss Szejtli out of hand as being irrelevant. Szejtli otherwise discloses nothing relating to locating any particular salt having a desired solubility equal to or greater than a desired target solubility, and thus cannot render Applicant's invention directed to compositions obvious. It is accordingly respectfully requested that the rejection be withdrawn.

Applicant's invention thus provides for locating a salt which exhibits a solubility at or above a target solubility in a cyclodextrin, and compositions comprising such a salt and a cyclodextrin. Neither of the references discloses locating such a salt from within a series of such

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salts, hence cannot provide the salts themselves, and say nothing about compositions comprising such salts and a cyclodextrin. Only Applicant's invention makes such salts possible. Accordingly, the Examiner is accordingly respectfully urged to reconsider his or her rejection as it is believed that the claimed invention clearly defines patentable subject matter.

In view of the foregoing comments and amendments it is believed this application is in condition for allowance. A Notice of Allowance is accordingly courteously solicited.

Respectfully submitted,

Date: September 22, 1998

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